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June 20, 2024

Mayor Wotten and Council Members
CAO Ken Nix of Township of Scugog
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Dear Mayor Wotten, Council Members and CAO Ken Nix:

RE: Due Diligence & Draft MZO Resolution - Avenu Properties

Further to our meeting yesterday with Mayor Wotten and Mr. Nix during which we discussed, among other matters, the issue of Due Diligence and the proposed Minister's Zoning Order ("MZO"), I thought it would be helpful and appropriate to address certain Due Diligence matters. I offer this letter as "due diligence considerations", as part of your upcoming deliberations. I also enclosed a draft resolution, which I invite you to consider in advance of the Monday June 24 Council Meeting. This Resolution is built on the shoulders of last year's December 4, 2023 Resolution.

1. Planning Due Diligence

The density requested in the MZO conforms with the Township of Scugog Official Plan. The built form and proposed mix also conform. The overall density proposal remains as it was when first put forward to the Mayor and Deputy Mayor in December 2022, and as also discussed on February 7, 2023. Subsequent to the acquisition of the additional 25-acres adjacent to the MZO subject site, an additional 110 units were added. The entire project has been,

and continues to be, in conformity with Medium Density development, which is already permitted upon the site in accordance with the existing permissions within the Township's Official Plan.

2. MZO Due Diligence

The Minister of Municipal Affairs and Housing will issue the MZO only if the Minister is satisfied that sufficient study has occurred to justify the requested Zoning (i.e. only if there has been sufficient due diligence undertaken). All studies and reports will be provided to the Minister for review and consideration by the Minister and relevant Provincial staff.

3. Environmental Due Diligence

I confirm that the issuance of an MZO has no effect on environmental matters. All statutory and regulatory requirements related to environmental and development matters must still be satisfied before any development can proceed. This includes, but is not limited to, the proposed wastewater treatment plant and/or wastewater recycling plant, all of which will require approvals at Regional and Provincial levels.

4. Footbridge and Amenities Due Diligence

I confirm that the issuance of an MZO will not establish any permissions regarding any potential amenities for the site. Such permissions must still be sought through the appropriate municipal and Provincial authorities.

5. Indigenous Consultation Due Diligence

I confirm that the Township of Scugog (local municipality) has no "duty to consult". All duties to consult rest with the Crown (i.e. Federal and Provincial Governments). This obligation may be delegated, if deemed appropriate by the Crown.

Notwithstanding the above, it should be noted that Town Council previously directed Avenu Properties to reach out to MSIFN for the purpose of engaging in consultation. Avenu Properties has satisfied Council's demand and has also, arguably, assisted the Crown in satisfying its duty to consult. I would invite you to review the minutes of engagement on p. 351 of the MZO Brief, in which the efforts to engage with the MSIFN are set out.

6. Draft Resolution For Consideration in June 24 Council Meeting

Given the above, and given the previously filed MZO Brief, I have taken this opportunity to draft a Resolution that would be appropriate for consideration, should Town Council agree to request that Minister Calandra issue an MZO in accordance with the Planning Act, as recently amended through Bill 185.

See attach 'Appendix A'.

Sincerely,

**RITCHIE KETCHESON
HART & BIGGART LLP**



R. Andrew Biggart

c. client